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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,365	11/13/2001	David J. Zachmeyer	17310-240502	4373

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FAEGRE & BENSON LLP  
PATENT DOCKETING  
2200 WELLS FARGO CENTER  
MINNEAPOLIS, MN 55402

EXAMINER

KIM, PAUL D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

**Office Action Summary**

Application No.

10/008,365

Applicant(s)

ZACHMEYER, DAVID J.

Examiner

Paul D. Kim

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) 9-13, 16, 22 and 26-34 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-7, 14, 17 and 18 is/are rejected.  
 7) ☒ Claim(s) 8, 15, 19-21 and 23-25 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Zavilenski et al. (US PAT. 6,371,760).

Zavilenski et al. teach a process of welding at least two components together comprising steps of: positioning a first component (54) having an edge, a major surface and a top surface spaced apart from the major surface by the edge with respect to a second component (56) having a surface with a perimeter, such that the surface of the second component is in overlapping contacts with the major surface of the first

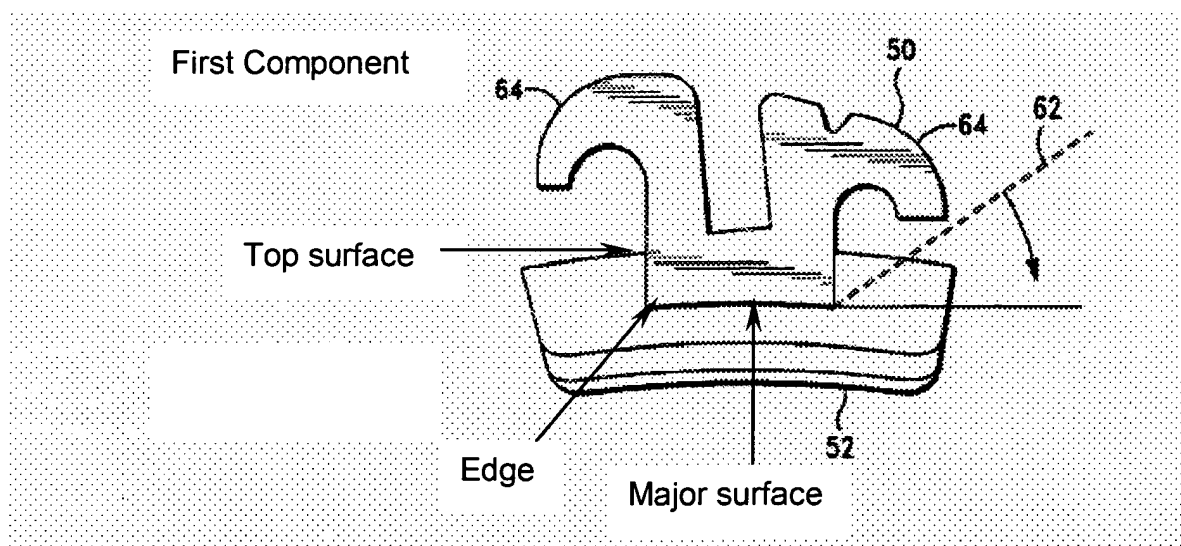
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component, and the perimeter of the surface of the second component extends beyond the edge of the first component as shown in Fig. 1; and forming an edge weld at the edge, such that the edge weld extends beyond the edge into the top surface of the first component and the surface of the second component as shown in Figs. 4 and 5 (also see col. 5, line 34 to col. 7, line 30).

As per claim 2 the edge weld is located at the center of the first component as shown in Fig. 1.

As per claims 3-7 and 18 a laser energy (as a welding energy) is applied to the edge weld either a side of the first component or a side opposite to the side of the first component and portions of the first and second component are flown or melted for welding as shown in Fig. 5.

As per claim 14 Zavilenski et al. teach that the first and second components are made of stainless steel (col. 5, lines 34-52).



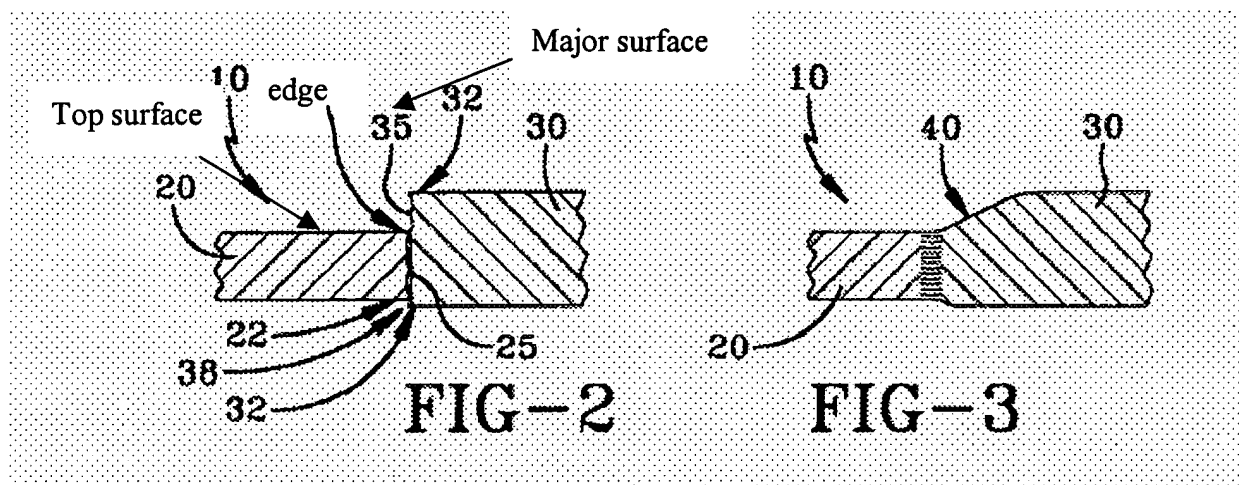
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4. Claims 1-7 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fileds, Jr. (US PAT. 6,261,701).

Filed, Jr. teaches a process of welding at least two components together comprising steps of: positioning a first component (20) having an edge, a major surface and a top surface spaced apart from the major surface by the edge with respect to a second component (30) having a surface with a perimeter, such that the surface of the second component is in overlapping contacts with the major surface of the first component, and the perimeter of the surface of the second component extends beyond the edge of the first component as shown in Fig. 2; and forming an edge weld (adjacent to 22 as shown in Fig. 1) at the edge, such that the edge weld extends beyond the edge into the top surface of the first and the surface of the second component as shown in Fig. 2 (also see col. 9, lines 1-40).

As per claim 2 the edge weld is located at the center (adjacent to 22 as shown in Fig. 1) of the first component as shown in Fig. 1.

As per claims 3-7 and 18 a laser energy (as a welding energy as shown in Fig. 6C) is applied to the edge weld either a side of the first component or a side opposite to the side of the first component and portions of the first and second component are flown or melted for welding as shown in Figs. 2, 3 and 5.



### ***Allowable Subject Matter***

5. Claims 8, 15, 19-21 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. Applicant's arguments filed 7/1/2005 have been fully considered but they are not persuasive. Applicant argues that the prior art of record of Zavilenski et al. fails to disclose the claimed invention such as "forming an edge weld at the edge, such that the edge weld extends beyond the edge into the top surface of the first and the surface of the second component". Examiner traverses the argument that the edge weld extends beyond the edge into the top surface (submitted drawing as set forth above) as set of the first and the surface of the second component as shown in Figs. 4 and 5. Also, Applicant argues that the prior art of record of Fileds, Jr. fails to disclose the claimed

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invention such as the surface of the second component is in overlapping contacts with the major surface of the first component. The surface of the major surface of the first component is overlapped contacts with the surface of the second component (submitted drawing as set forth above).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 7:00 AM to 3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul D Kim  
Examiner  
Art Unit 3729